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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,586	04/21/2004	Chii-Ron Kuo	1291059	5540

7590

01/12/2006

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EXAMINER

CHUKWURAH, NATHANIEL C

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/829,586

Applicant(s)

KUO ET AL.

Examiner

Nathaniel C. Chukwurah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 6-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

The indicated allowability of claims 3-5 is withdrawn in view of the newly discovered reference(s) to Izumisawa et al. and Kochte et al. Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Izumisawa et al. (US 6,796,386).

With regard to claim 1, Izumisawa et al. et al. discloses a turbine motor for a pneumatic tool (51), comprising: a casing (53), a chamber (inner portion of housing), an air inlet (81) and an air outlet (91), a rotor (175) having a plurality of blades (177) formed integrally with the axis, and disposed inside the chamber (inner portion of housing), an axis (B) as shown by rotor shaft (213) carrying the rotor (175) having a rear end (213 rear end) borne by the casing (53); a stator (171 support sleeve) inserted between the rotor (175) and an inner wall of the casing (53).

With regard to claim 2, Izumisawa et al. discloses a turbine motor comprising: a casing (53), surrounding a chamber (inner portion of housing) with an air inlet (81) and an air outlet (91) being attached to the casing (53), a rotor (175) disposed inside the chamber (inner portion of housing) performing a rotational movement driven by compressed air from the air inlet (81); and an axis (B) as shown by rotor shaft (213) carrying the rotor (175) having a rear end (213 rear end) borne by the casing (53) and a front end passing through the casing (53) from

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which torque is taken, a stator (171 inserted between the rotor (175) and an inner wall of the casing (53) and coaxial with the rotor (175).

With regard to claims 4 and 15, Izumisawa et al. disclose turbine motor of et al. including the stator (171 support sleeve) radially oriented and placed opposite the air inlet (81).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Izumisawa et al. in view of Kochte et al. (US 4,589,161).

With regard to claim 3, Izumisawa et al. discloses a turbine motor comprising: a casing (53), surrounding a chamber (inner portion of housing) with an air inlet (81) and an air outlet (91) being attached to the casing (53), a rotor (175) disposed inside the chamber (inner portion of housing) performing a rotational movement driven by compressed air from the air inlet (81); and an axis as shown by rotor shaft (213) carrying the rotor (175) having a rear end (213 rear end) borne by the casing (53) and a front end passing through the casing (53) from which torque is taken, a stator (171 support sleeve).

Izumisawa et al. discloses all claimed subject matter but specific teaching of stator blades inserted between the rotor and an inner wall of the casing and coaxial with the rotor.

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However, the reference of Kochte et al. teaches a stator (14) including stator blades (90) inserted between the rotor (71) and an inner wall (38) of the casing (11) for effectively directing air passing through the housing (11) towards the turbine wheel blades (63) at an angle. See (col. 4, lines 3-5).

In view of the teaching of Kochte et al., it would have been obvious to one skilled in the art at the time of the invention to modify the turbine motor of Izumisawa et al. by providing stator blades in order to provide the benefit as described above.

With regard to claim 5, the turbine motor of Izumisawa et al. includes the stator (171 support sleeve) radially oriented and placed opposite the air inlet (81).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-5 and 15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Refer to attachment for notice of references cited and recommended for consideration based on their disclosure of limitations of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathaniel C. Chukwurah whose telephone number is (571) 272-4457. The examiner can normally be reached on M-F 6:00AM-2:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NC

December 28, 2005

A handwritten signature in black ink, appearing to read 'Rinaldi Rada', with a long horizontal flourish extending to the right.

**Rinaldi I. Rada**  
**Supervisory Patent Examiner**  
**Group 3700**